



STATE OF CONNECTICUT OFFICE OF POLICY AND MANAGEMENT

Raised Bill 5035

An Act Concerning Impact Statements for Major Layoffs or Dismissals of State Employees

February 15, 2007

Good afternoon Senator Prague, Representative Ryan and members of the Labor and Public Employees Committee. For the record my name is Robert Genuario and I am Secretary of the State Office of Policy and Management. Thank you for allowing me to submit testimony in opposition of HB 5035, AAC Impact Statements for Major Layoffs or Dismissal of State Employees. This legislation effectively prevents the Governor from making decisions that are properly within the executive branch's authority, i.e. whether the executive branch agencies should continue to provide a particular service or be in certain businesses. The Governor needs the flexibility to properly utilize the executive branch agencies to effectively respond to issues that come up within the agencies, economic conditions, and other exigencies that arise within the state.

- Dismissals for Cause. This legislation includes "dismissals;" it does not make exceptions for dismissals for cause. Therefore, a small agency, with less than 20 employees could not properly dismiss one employee who has engaged in fraud, workplace violence, or other serious wrongdoing in the workplace without providing an impact statement to the General Assembly.
- This legislation goes far beyond layoff protection for reductions in state services. The bill covers executive branch, legislative branch, judicial branch and quasi-public employees, full-time and part-time employees, and both classified and unclassified employees. This raises a number of problems:
 - Unclassified employees serve at the pleasure of the Governor, or the Board or Commission that governs the particular agency. The Governor, therefore, would not be entitled to replace the agency head of a small state agency without an impact statement to the General Assembly.
 - "Layoff" is a term off art in the state collective bargaining arena. At times, employees may receive layoff notices from the state even though they will continue on the state payroll; the notices are required to trigger the rights afforded laid-off employees, and those employees will be placed in other agencies, oftentimes in the same classification, with the same pay and benefits. This legislation would prohibit the state from providing layoff notices, even if the eventual outcome is no loss of jobs.
 - For example, if the Governor determines that CJTS needs downsizing, employees would be provided layoff notices, which would trigger their reemployment and SEBAC rights under existing law and agreements.

Those employees would be placed in existing vacancies in other agencies, and may not leave state service. Under the legislation, the Governor could not notice the employees in order for them to exercise their seniority rights under their collective bargaining agreement without providing an impact statement.

- With regard to recommendations that legislative or judicial branch employees be laid off, neither the Governor nor OPM would have the ability to prepare impact statements detailing the effects of layoffs on these branches. This would, generally, also be true of layoffs in quasi-public agencies.